

**STRATEGY  
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**THE THREAT OF TRANSNATIONAL CRIME IN EAST ASIA**

**BY**

**LIEUTENANT COLONEL ROSE M. MILLER  
United States Army**

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**The Threat of Transnational Crime in East Asia**

by

Lieutenant Colonel Rose M. Miller  
United States Army

Colonel George Reed  
Project Advisor

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U.S. Army War College  
CARLISLE BARRACKS, PENNSYLVANIA 17013

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## ABSTRACT

AUTHOR: LTC Rose M. Miller

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This research project examines the problem of transnational organized crime and identifies it as a rising threat to national security. It defines and summarizes trends in five types of transnational organized crime: trafficking in drugs and precursor chemicals, trafficking in persons and alien smuggling, conventional weapons smuggling, illegal sale of nuclear materiel, and money laundering. The regional focus of the study is East Asia and it highlights the two most significant criminal organizations in the region - the Chinese triads and the Japanese yakuza. Both organizations have global reach and their activities in the United States are noted. It shows the direct link between transnational organized crime and terrorism. The project briefly reviews United States and United Nations strategies and policies related to organized crime. It concludes with policy recommendations including the dedication of additional resources to counter transnational organized crime and increased coordination between the United States and the international community.



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East Asia is a region of rapidly developing economies that could soon give birth to a U.S. military peer competitor. This researcher takes the position that national security strategists need to increase attention to this region and its potential threat to the national security of the United States. The East Asia region is defined as the geographical area from the eastern border of India east to Japan, north to China and south to Thailand. It includes the nations of Burma, Thailand, Vietnam, Laos, Cambodia, China, Taiwan, The Peoples Republic of Korea (North Korea), The Republic of South Korea, Japan, and the Philippines.

Our current national policy in Asia has three goals: enhancing security, promoting prosperity, and encouraging democracy. The source of the danger in Asia is the instability of governments coupled with changes in regional power relationships. The region is split between those nations who feel threatened by United States dominance in the region and those who feel insecure about reduced U.S. presence. China wants to be a global superpower and the regional leader. "China's national objective is to emerge as a medium-sized world power and the preeminent power in Asia by the year 2050. Much has been written about China's hegemonic desire 'to restore the Middle Kingdom,' a historical entity which until the middle of the 19<sup>th</sup> century exacted tribute and held sway over much of Asia".<sup>6</sup> Taiwan's decision on independence from Mainland China threatens to erupt into a global conflict as does the uncertainty on the Korean peninsula. The United States has developed policies for the nations in the region based upon single issues but does not have a regional policy.<sup>7</sup> The threat to the security of governments and regional alliances posed by transnational crime and the major criminal organizations in the region are worthy of additional study.

### **TRENDS AND TYPES OF TRANSNATIONAL CRIME**

Globalization and the resulting increase in economic interdependence is the classic two-edged sword of the growth of democracy and capitalism. Individual and national prosperity and quality of life improved, but criminal organizations also flourished. Transnational crime is major business, with the United Nations estimating total revenues of over \$1000 billion.<sup>8</sup> Globalization enables the operation of international criminal networks and the creation of alliances between illegal and legitimate actors, for profit and evasion of government regulation. The Chinese triads, the Japanese yakuza, and the European and American mafias are working in cooperation to open up new markets. According to one observer, "organized crime groups outperform most Fortune 500 companies. . . with organizations that resemble General Motors more than they resemble the traditional Sicilian Mafia."<sup>9</sup> Like legitimate businesses, profit is the bottom line and the organizations focus on those activities with the most earning potential. The most profitable

markets today are in drug trafficking, black market arms trade, theft of valuables, prostitution and traffic in human beings, human organs, kidnapping, contract murder, protection money, illegal gambling, forgery, and racketeering in automobiles and toxic waste. Earnings then have to be "laundered," a process made easier by diversifying in legitimate business.<sup>10</sup>

Globally, criminal cartels are becoming more sophisticated at exploiting technology, developing or taking control of legitimate commercial activities, and seeking to directly influence – through infiltration, manipulation, and bribery – local, state, and national governments, legitimate transnational organizations and businesses. Increased cooperation between independent criminal elements, including terrorist organizations is likely.<sup>11</sup>

#### **TRAFFICKING IN DRUGS AND PRECURSOR CHEMICALS**

Internationally, trafficking in drugs and their precursor chemicals is cited as a serious security threat and significant criminal problem. Drugs are the number one best selling product in the world, netting approximately \$1 trillion a year.<sup>12</sup> The United Nations and the International Criminal Police Organization (INTERPOL) recognize the seriousness of this type of crime and have numerous programs and initiatives to combat it. Regionally, the Association of Southeast Asian Nations (ASEAN) police chiefs consider drug trafficking their most serious problem.<sup>13</sup> Southeast Asia leads the world in poppy cultivation and heroin production, particularly in the Golden Triangle of Burma, Laos, and Thailand.<sup>14</sup> The People's Republic of China is a major transit nation and source of illicit drugs and precursor chemicals. In spite of an aggressive national anti-drug strategy, the business thrives in China. Most of the seizures of heroin in Southeast Asia are along the borders of China. Although heroin trafficking is on a steady decline, there were record quantities of amphetamine type stimulants seized in 2000, and some were en route to the United States. For example, Chinese authorities seized over 100,000 tablets of the synthetic drug Ecstasy bound for the United States. Investigation identified U.S. citizens involved in the smuggling. China is one of the world's major producers of several precursor chemicals, to include potassium permanganate, used in cocaine manufacture. Hong Kong, a major port city, has always been a natural transit point for drug trafficking from Southeast Asia to international markets. The law enforcement agencies in Hong Kong have taken an active approach and increased resources to combat trafficking, evidenced by a reduction in seizure rate. In 2000, there were no seizures of drugs en route to the United States. Arrests for drug related offenses are also down, but still numbered over 7,000 in 2000.<sup>15</sup>

Thailand is another major drug trafficking transit nation. According to Khachadpai Buruspatana, head of Thailand's National Security Council, "More and more international crime

syndicates are basing themselves in Thailand. Crime syndicates are coming in waves and engaging in prostitution, trafficking of women and children, and drug dealing.” This trend is dangerously on the increase as Thailand begins to open its borders and relax its visa policies with Laos, Cambodia, and Burma.<sup>16</sup>

#### TRAFFICKING IN PERSONS AND ALIEN SMUGGLING

The United Nations defines trafficking in persons as activity that includes recruitment, transportation, transfer, harboring or receipt of persons and that uses improper means, such as force, abduction, fraud, or coercion, for an improper purpose, such as forced or coerced labor, servitude slavery or sexual exploitation.<sup>17</sup> This business is booming as it is considered to be a low risk with high gain operation. The borders of the United States are notoriously porous, a key concern of the Director of Homeland Security who is currently struggling with this challenge. In addition, our penalties for alien smuggling are lenient in comparison to penalties for drug smuggling. Smugglers enjoy profits of over \$7 billion a year. For example, it costs Chinese nationals approximately \$30,000 to be smuggled into the United States. Latin Americans and Mexicans constitute the largest number of illegal aliens, but over 100,000 Chinese do make it into the country. Since few can afford the fee, they are forced into servitude and prostitution or become common criminals.<sup>18</sup> Although the smuggling of illegal Chinese by ship is the most widely known method, they also use land and air routes through Canada and Mexico and air routes through Hong Kong, Myanmar, or Bangkok. All routes are risky, difficult, and often deadly.<sup>19</sup> The problem of illegal immigration is a serious criminal enterprise and is a threat to all nations, creating labor market, sovereignty and organized crime problems. Many nations, including the United States, have declared “an immigration emergency” and consider illegal immigration an issue of global concern.

Prostitution has always been a profession for transients, and now instead of movement within cities and countries, the women are transported across borders and across oceans. Some of the nations most active in this enterprise are Thailand, the Philippines, Brazil, and the Dominican Republic. For example, there are an estimated 23,000 Thai prostitutes illegally residing in Japan. The most substantial growth in this industry has been in the European Union which estimates 200,000 - 500,000 women from Eastern Europe work illegally as prostitutes. This is another enterprise of a high profit and low cost endeavor. The overhead costs are low and the women are often resold to other brothel owners. The exploitation of children for sex also has emerged as a global issue. It is estimated that the worldwide number of child prostitutes exceeds five million with main trafficking routes from Nepal to India and from Burma

to Thailand.<sup>20</sup> The United States Congress estimated that over 700,000 persons are trafficked annually, most of them women and children within and across international borders.

Approximately 50,000 are trafficked into the United States.<sup>21</sup> Again, with substantial profits, this business is growing and the organized criminal groups are involved.

#### CONVENTIONAL WEAPONS SMUGGLING.

The black market sale of conventional arms and ammunition is old business for organized criminals, but with transnational sales to hostile groups, this represents a growing threat for many nations. Conventional weapons are readily available and the suppliers do not care about the politics or causes of the buyers. They are interested in financial gain. One case in point is the over 8,000 conventional weapons unaccounted for from the Russian arsenal. Another is the case of over 200,000 AK-47 rifles stolen from Albania that were sold by organized crime groups to buyers in Italy, Greece, Europe, the Middle East, Turkey, and the United States.<sup>22</sup> This is one type of crime that is almost impossible to successfully control as conventional arms are easily available on the black market and it would be a formidable task to stop the trafficking and confiscate all the weapons.

#### ILLEGAL SALE OF NUCLEAR MATERIEL

The loss of control of nuclear arms and materiel is the most dangerous result of the end of the Cold War and the disintegration of the Soviet Union. At the time of its breakup, the Soviet Union had more than 30,000 nuclear weapons, 15,000 tons of enriched uranium and more than 150 tons of weapons grade plutonium.<sup>23</sup> From 1989-1994, there were over eight hundred attempts to smuggle nuclear materiel out of former Soviet republics. In late 1995, twenty-seven crates of Russian beryllium, a weapons grade materiel, were intercepted in Lithuania en route to a buyer in Switzerland who may have been representing North Korea.<sup>24</sup> European officials report a "quantum leap in cases" of seizure of weapons grade radioactive materiel. This loss of control is of global concern, with the German police taking the lead. The President of the German Federal Police testified with specific data to demonstrate the enormity of the problem and seriousness of the threat. In 1992, there were fifty-nine fraudulent offers to sell radioactive materiel, ninety-nine cases of illicit trade and 18 seizures of actual materiel. In 1993, there were 241 cases with 21 seizures. That same year the German police identified 545 suspects, 47% of whom were non-German, specifically Czech, Polish, and Russian. In 1994, the German police seized 350 grams of weapons grade nuclear materiel and arrested one Columbian and two Spaniards, further evidence of the globalization of the market. There is evidence the most

common source of nuclear materiel is from government controlled facilities in former Soviet states.<sup>25</sup> Another consequence of this event in history is the emergence of a more organized, more dangerous, and more global Russian Mafia. It is known that the Russian Mafia has access to military warehouses in the nations of the former Soviet Union, which include nuclear weapons and radioactive materiel. The buyers include rogue states such as Libya, North Korea, Iran, and Iraq. These types of weapons and materiel could also easily be used by criminals for extortion of corporations and governments.<sup>26</sup>

## MONEY LAUNDERING

The money laundering business is estimated to run close to \$500 billion a year and is the third largest business in the world.<sup>27</sup> As mentioned in the introduction, the criminal organizations use legitimate businesses to launder their money. The Chinese triads, for example, use the precious gem business. They purchase gems in New York's Chinatown with money from drug sales and then legitimately ship them to Hong Kong, which requires no reporting on import. They also use an underground banking system that is used by legitimate businesses. These systems have no paper trails, are low cost, and are fast. The corrupt communist system in China actually encourages the import of hard currency, and drug money can be brought into the country in bulk. Other criminal organizations own banks or use those in nations with less regulation and with a high volume of interbank transactions. In the past, some organizations have used the United States Postal Service to ship their cash to the bank.<sup>28</sup> This enormous loss of cash is particularly damaging to the economies of developing nations. The diverse regulation of these activities by nations makes this a difficult type of crime to control. In 1989 the G7 nations (Canada, France, Germany, Italy, Japan, the United Kingdom, and the United States) established the Financial Action Task Force (FATF) to counter money laundering activities. The FATF recognized the significance of this problem in Asia and in 1995, established an Asia Money Laundering Secretariat to support the region. They initiated such programs as the first Asia Pacific Regional Disposal of Proceeds of Crime – Money Laundering Methods Workshop for law enforcement officers.<sup>29</sup>

## MAJOR TRANSNATIONAL CRIMINAL ORGANIZATIONS

### TRIADS OF CHINA AND HONG KONG

The Chinese triads are major criminal organizations in the East Asia region and throughout the world with strong alliances with the other major global criminal organizations. The triads are ancient, secretive organizations that have existed on mainland China since the

seventeenth century. Researchers believe that the triad society was founded by monks of the Shaolin Temple who wanted to overthrow the Manchu dynasty. Hong Kong triads' aims were to facilitate a patriotic movement. These triads became criminal organizations after the defeat of the Qing dynasty in 1911. Triad rituals and rules were incorporated into trade and labor organizations that multiplied rapidly. Records indicate that over three hundred triads existed in Hong Kong by 1939. There were seven major cartels with numerous autonomous sub-societies, under a common hierarchical structure. After the Communist Party took over in 1949, the major triad cartel, 14K, moved to Hong Kong where they remain a significant presence today. Triad societies became active in drugs, gambling, prostitution, and loan-sharking. They started for the purpose of self-protection against corrupt rulers and developed their own hierarchical structure. Today, law enforcement officials in Hong Kong estimate that over 50 triads are active. They are organized into four main groups: The Wo, Chiu Chow/Hoklo, 14K, and Luen, each with its own historical origin.<sup>30</sup>

One of the Taiwan-based groups is the Bamboo Union gang which boasts of over 15,000 members. Its leader, Chang An-lo is one of the most wanted men in Taiwan but he is freely living in mainland China. Taiwanese officials estimate that at least 192 outlaws are living in China and directing their criminal organizations in Taiwan. There is increasing evidence of the growing corruption of government officials, to include those in the Communist Party.<sup>31</sup>

In part as a result of China's entry into global economics, the Communist Party has lost some control over crime and organized crime groups have returned to mainland China. Gang leaders are returning home from Hong Kong and Macau to organize their own groups. They are involved in cross border smuggling of consumer products, illegal immigration, counterfeit currency, weapons, and drugs. Using the legitimate entertainment business as a cover, the triads in China are operating prostitution and illegal gambling establishments. Most of the triads have established their bases in the Guangdong province. China is a ripe market for crime and the trend is for Taiwanese gangs and Hong Kong triads to continue to move to the mainland and organize Chinese criminals. Japanese yakuza gangsters are also living in China.<sup>32</sup>

Triads do, and will continue to, influence the Western world. With the influx of Chinese immigration to the West, predatory crime will increase as these new citizens find themselves in unknown or hostile societies. Ethnic Chinese gangs will use violence to establish their territories. Profit will remain their chief motive and they will cooperate with each other in transnational criminal activities.<sup>33</sup>

Triads have exported their ideas to the United States in the form of groups known as tongs, which are usually associated with legitimate business, but often are criminal

organizations. The tongs' structure mirrors that of the triads and they are often known as street gangs in the United States. These gangs not only provide the muscle for the more organized groups but also build alliances to expand their own operations and power. The American heroin market, for example, was seized from the Sicilian Mafia by an alliance of a tong and a triad.<sup>34</sup> As William Kleinkenecht notes in his 1996 book, "In the new world of organized crime, no ethnic gangsters have a bigger future than the Chinese. . . Chinese crime groups are rapidly gaining power in cities around the country. . . They are second only to the mafia in New York".<sup>35</sup>

Chinese organized crime in the United States includes the spectrum of groups from street gangs, societies, triads, tongs, to Taiwanese organized crime groups. One of the most active and fastest growing transnational Chinese groups in the United States is the Fuk Ching gang based in New York City since 1983. Other major Chinese gangs in New York City are the Ghost Shadows, Flying Dragons, Tung On, and Born-to-Kill. Their primary business is extortion and protection rackets in Chinatown and they characteristically use random street violence for enforcement. One of the defining characteristics of Chinese organized crime is a relationship between street gangs and a parent organization. The Fuk Ching is affiliated with the Fukien American Association which supplies facilities, money, and guns. The Fuk Ching was founded by young male immigrants and they continue to be a source of recruitment. They have entered the transnational crime world with heavy involvement in alien smuggling and trafficking in persons. Although increasing their profits, this involvement has brought them the increased attention of law enforcement. The well-publicized incident of the attempted smuggling of 250 Chinese aboard the ship *Golden Venture* in 1993 was orchestrated by the Fuk Ching. Ko-lin Chin, America's leading academic expert on Chinese organized crime, concluded that many crimes in Chinese-American communities are linked to China and that gang members often flee to China when pursued by American law enforcement. He also concludes, with the debatable assertion, that there is no evidence of an organized "Chinese mafia" that cooperate in transnational crime.<sup>36</sup>

The illegal activities of Chinese gangs, triads, and individual gangsters include the spectrum of significant transnational crimes described in this project, although there is a debate about the extent of the role of the triads in these crimes. The Hong Kong police, for example, attest that all drug traffickers are not members of triads. They assert the Chinese drug business is not controlled by any particular triad but by business people. Hong Kong triads are the leaders of networks for illegal alien smuggling to western countries. It is estimated they profit \$3-5 billion a year from this activity. Again, this is a high profit, low cost crime so American based Chinese gangs and non-triad criminals are also drawn to illegal alien smuggling.<sup>37</sup>

There are illegal aliens in the United States from many countries and the Chinese only rank 21<sup>st</sup> in comparison to other nations, but the illegal immigration of Chinese has garnered the attention of the American public and media. After the *Golden Venture* incident in 1993, President Clinton described Chinese smuggling as a threat to national security and authorized the national security council to take action as needed. The real possibility of mass human tragedy as a result of smuggling by sea and the growth of Chinese organized crime in the United States are the primary reasons for the increased attention to this problem.<sup>38</sup>

The illicit sex trade is also a high profit, low cost activity for triads or Chinese gangs. Chinese triads routinely lure young girls with the promise of jobs, smuggle them into another country and then sell them to brothels. Susan Moran explains how this works: "Fukinese women ranging in age from 17-20 are promised factory jobs and then charged \$25-35,000 for the trip. After enduring months of rape at sea, they are forced into prostitution in American cities."<sup>39</sup> Another ploy used by triads is to pay the impoverished parents for their unwanted daughters and sell them into slavery as child prostitutes. The older females are usually sent to the United States because of strict child protection laws.<sup>40</sup> The Immigration and Naturalization Service (INS) estimates that over 100,000 women were smuggled into the United States during the 1980s-90s for the sex trade. Ms. Moran claims that this increase the illicit sex trade is a result of activity of Asian gangs. The gangs supply the houses with new girls, provide them with clients and protection from extortion and police attention.<sup>41</sup>

Theft of consumer goods to include conventional weapons is on the increase as criminal organizations try to meet the market demand of a more prosperous Chinese populace. The production, smuggling and distribution of weapons bring in over \$500 billion for the triads, according to British national criminal intelligence.<sup>42</sup> Members of the People's Liberation Army are selling military weapons to the triads for their use and further illegal trade. The Chinese manufacture the cheap "Saturday night special" guns now outlawed in the United States. They have become experts in pirating computer software and Compact Disks, distributing them worldwide through Hong Kong. In addition, the triads steel millions in luxury goods such as yachts and automobiles.<sup>43</sup>

The triads and associated tongs have survived centuries and are growing in wealth and expertise. The danger in the future lies in their alliance with other major criminal organizations in the world and the region. As an example, they cooperate with Columbian and Japanese criminals in the cocaine trade. The Columbians produce cocaine, the Chinese exchange their heroin for cocaine and the Columbians smuggle heroin into the United States. The triads then

distribute the cocaine in Japan with the assistance of the yakuza. The Asian mafia then launders the money in Europe.<sup>44</sup>

## YAKUZA OF JAPAN

The yakuza are considered by some researchers to be the biggest of the Big Five actors in the world and certainly in East Asia. The yakuza are also ancient, with a history traced back three hundred years to samurai warriors. In peacetime, these warriors turned to crime in order to continue to profit from their skills. The yakuza have a global network of over 3,000 groups with over 85,000 members. In the Japanese language, yakuza is literally translated as “nine-eight-three,” a very bad hand in a popular card game, and has come to mean “born to lose.” This can be compared to common American street gang culture with the motto “laugh now, cry later” and similar expectations of losing or dying young. The yakuza are known for their prevalent use of violence. Law enforcement officials call them boryokudan or “violent ones.”<sup>45</sup> They are the modern samurai and retain some of the rituals of their ancestors to include extensive body tattooing. Although not required, tattoos are a symbol of commitment and loyalty. Another, rather drastic sign of commitment is the unusual custom of the self-amputation of the first joint portion of the little finger as a sign of remorse for failed missions. This practice is called yubitsume and the portion of the finger is cut off with a sword and then mailed to the gang boss for forgiveness or to spare one of their subordinates.

Like other transnational crime organizations, the yakuza consist of several main and sub groups. The largest and most significant is the Yamaguchi-gumi which boasts of over 26,000 members and 944 subordinate gangs. The other major groups are the Inagawa-kai and the Sumiyoshi-kai, with approximately 7,000 members each.<sup>46</sup> They have several primary sources of recruitment: the juvenile delinquents of the bosozoku or hot rod street gangs, members of the Japanese burakumin or untouchable class, and ethnic Koreans. A small number of Chinese are also attracted to the yakuza who offer a chance at a better life and family protection.<sup>47</sup>

What differentiates the yakuza from other organized crime groups is the societal acceptance of its members. Membership is respected and these “businessmen” carry business cards and conduct operations out of offices along side legitimate businesses.<sup>48</sup> They proudly display gang pins on their business suits and some gangs even publish their own newspapers and magazines. They present themselves as patriots and modern day Robin Hoods and that image seems to be accepted by the public and the police.<sup>49</sup>

As noted above, the yakuza are respected members of society and legitimate business people often hire them for enforcement and self-protection from small criminal groups. It is

difficult to identify the level of corruption of law enforcement agencies, but there is evidence of cooperation. Police often ignore yakuza activities and accept bribes to drop charges. They are known to demand payment from victims for assistance and then betray them right back to the perpetrators.<sup>50</sup> In addition to financial incentives, many Japanese police respect the values and proud image and traditions of the yakuza. The cooperative relationship is so strong that gangs assist police in periodic public raids that make the police look proactive but usually result in no prosecutions. Yakuza members also respect the police and often will turn themselves in for murders and other serious crimes. The police are also influenced by their perception of relationships between yakuza leaders and government officials.<sup>51</sup>

Their global activities are evidenced by frequent travel from Honolulu and Guam to the United States mainland, from Seattle to Boston, Los Angeles to New York. In addition to being cooperative partners with the Chinese triads, they also work with the Sicilian Mafia and Columbian cartels.<sup>52</sup> The yakuza mainstay businesses are loan-sharking, prostitution, illegal gambling, corporate blackmail and the illicit sex trade, but they have been known to actively support drug production and trafficking. With their friends in the Taiwan triads, they helped set up methamphetamine labs on Taiwan.<sup>53</sup> Trafficking in persons and alien smuggling is also huge business for the yakuza.<sup>54</sup> The sex trade has been one of the principal catalysts of international expansion for the yakuza. First the Republic of South Korea and then the Philippines became centers for yakuza sex trade, using legitimate clubs and restaurants as fronts. The yakuza have been active throughout Southeast Asia since the 1970s with sightings of members reported from Indonesia, Malaysia, Thailand, Singapore, Hong Kong and Taiwan.<sup>55</sup>

Law enforcement officials in Japan are further challenged by the extent of the yakuza's involvement in legitimate businesses such as real estate, construction, to include public works, hotels, and entertainment enterprises. These groups are so well organized and entrenched in Japanese society that they were able to provide relief response quicker than the government after the Kobe earthquake in 1995. They supplied food, water, and other critical supplies. David Kaplan, an expert on Japanese crime, forecasted that the earthquake recovery operations would net \$24 billion for the yakuza<sup>56</sup>

Today's yakuza member is younger, less bound to traditions and rituals, and is more sophisticated in his criminal activity. He is better educated, well-traveled, and is conversant in the English language and Western culture. In addition to abandoning the tradition of full body tattoos, many also ignore the old Samurai value of never harming the common people. They are a threat to regional and international security because of their strong influence with the

Japanese far right political movement and their increasingly strong business relationship with the Chinese triads.<sup>57</sup>

## **TRANSNATIONAL CRIME AND TERRORISM**

After the terrorist attacks on the United States on September 11, 2001, our nation has personal experience with the globalization of terrorism and its transnational trends. When the United States declared war on terrorists with a global reach, terrorists are now defined as military targets. However, they have always been recognized as criminals. Just as criminal organizations have extended their influence across national borders, so have terrorist organizations. Like organized crime, terrorism has become international in its purpose, structure and tactics. Terrorism is a form of organized crime and is classified as political-social organized crime.<sup>58</sup> Terrorists and members of organized criminal groups, such as the triads and yakuza, often use violence as weapons and are involved in substantial money transactions. The significant distinction between the two is their driving motivation, defined for transnational organized crime most aptly by Senator John Kerry: "It is not ideological. It has nothing to do with right or left, but it is money oriented, greed-based criminal enterprise that has decided to take on the lawful institutions and civilized society."<sup>59</sup> Unlike terrorists, criminals usually do not attack the state, but their activities do undermine the authority of governments. Criminals and terrorists alike want to increase their power and are often involved with extortion or corruption of government officials.

As the international community pressures nations that sponsor terrorist groups and as their sources of income are reduced or eliminated, there is the serious danger of terrorist groups eventually turning to criminal organizations for support. In addition to terrorists, there is also the danger that ethnic groups and insurgents will gain support from criminal organizations threatening the national security of weak or emerging democracies. Many insurgents start as terrorists groups and routinely use terrorist tactics. Arms and drug trafficking, smuggling of nuclear materiel, extortion, hostage taking and other crimes are increasingly an integral part of insurgency, civil war, and ethnic conflicts.<sup>60</sup>

There are three major activities of transnational criminal organizations that are directly linked to terrorism: trafficking in drugs, the illegal sale of nuclear materiel, and money laundering. The term narcoterrorism best describes the relationship between international drug trafficking and terrorism. In addition to the significant financial resources available to the narcoterrorist, they have a powerful influence over governments in certain nations. Drug trafficking is a threat to democratic governments. The traffickers use their power to obstruct

justice, corrupt officials, and manipulate the legal system to meet their goals. The populace often distrusts government officials and elections, and loses confidence in a democratic system. Drug traffickers benefit by getting their candidates elected and by weakening state control over their activities. Separatists, insurgents, and terrorists are being funded by drug trafficking. In Southeast Asia, warlord Khun Sa waged a struggle for decades to establish a separate state in Burma before he was defeated. In the Balkans, the Kosovo Liberation Army (KLA) was partly financed by the sale of heroin by Kosovo Albanians. The Chinese are concerned that the Moslem separatists use drug trafficking to finance arms sales for insurgency movements in China.<sup>61</sup> In Sri Lanka, the Liberation Tigers of Tamil Eelam (LTTE) have used drug trafficking for years to fund their activities and they have become a mafia type organization. There are reports that the LTTE have cooperated with the Columbian cartels to be their drug couriers in exchange for arms training.<sup>62</sup> The Revolutionary Armed Forces of Columbia (FARC) claims its members engage in the cultivation and trafficking of drugs to fund its revolution but ideology has become just a guise for their illegal activities.<sup>63</sup> The FARC has forged an alliance with Mexico's Areliano-Felix drug cartel in Tijuana, supplying them cocaine in exchange for money and weapons.<sup>64</sup> In Tajikistan and Afghanistan, bandits and organized crime groups openly engage in drug dealing and they are well protected by clans and warlords. Chinese groups saw the opportunity and enlisted the assistance of these warlords to move their drugs across the Chinese borders.<sup>65</sup> In some countries, to include Burma and Afghanistan, the drug traffickers have their own military capabilities or barter for action by insurgents to protect their activities.<sup>66</sup>

The loss of control of nuclear materiel was addressed earlier in this report as a threat to national security and a real profit making activity of organized crime groups. The question for the future is which groups, terrorists or criminals, would be most likely to use nuclear weapons. Senator John Kerry believes that criminals would be reluctant to choose nuclear weapons as long as cheaper, safer, conventional methods are effective. Organized crime groups would also not want to magnify official attention to their activities by even threatening the use of nuclear weapons.<sup>67</sup> Criminal groups and terrorists will collaborate on the theft of nuclear materiel and potentially use it for extortion and blackmail. The criminals will seek profit and corruption of officials and governments and the terrorists will seek attention to their political agendas and enhancement of their own power.<sup>68</sup> Terrorists are seeking delivery methods for nuclear materiel and are more likely to employ a nuclear weapon of mass destruction than their criminal counterparts. This threat may be more difficult to predict and counter than the Soviet nuclear threat during the height of the Cold War. That threat never materialized and one belief is the

terrorists will not use nuclear methods as long as conventional ones are effective.<sup>69</sup> It will be difficult to accurately assess the threat without the distinction of the terrorist from the criminal from the insurgent at a given point in time.

As stated previously in this report, money laundering is big business for organized crime and a vital activity for their success. Terrorist groups also must launder their money and as national and international laws are strengthened, the terrorists must find other avenues to hide and then distribute their funds. Organized criminal groups currently offer secure avenues. An underground banking system and legitimate business enterprises protect the profits of the criminal and they can do the same for the terrorist. Just as terrorists will turn to drug trafficking activities for funding, they will seek other means to protect these funds as legal countermeasures are enforced. In addition, all anti-money laundering laws are not applicable to terrorist groups. Eighteen Latin American countries have laws that include sanctions for laundering narcotics profits but only half of them apply to terrorism and international crime.<sup>70</sup>

Terrorism is a threat to national security and its direct link to organized crime multiplies its strength, blurs the line between crime and military targets, and confounds military and law enforcement officials.

### **STRATEGIES AND POLICIES OF THE UNITED NATIONS AND THE UNITED STATES**

Former President Clinton, addressing the United Nations General Assembly on their 50<sup>th</sup> Anniversary, emphasized the need for international and multilateral action to counter the threat of transnational crime and terrorism. He stated the forces of international crime "jeopardize the global trend toward peace and freedom, undermine fragile democracies, sap the strength from developing countries, and threaten our efforts to build a safer, more prosperous world."<sup>71</sup>

In 2000, the United Nations completed a series of sessions of a Convention against Transnational Organized Crime aimed at the establishment of protocols to combat organized crime. Over 100 countries participated and agreed that organized crime is an international problem and only international cooperation will solve it. The three protocols proposed are: a protocol against the smuggling of migrants; protocol to prevent, suppress and punish trafficking in persons; especially women and children; and a protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. These protocols are open for signature through December 2002.<sup>72</sup>

The three protocols of the United Nations Convention and a number of multilateral and bilateral treaties and mutual legal agreements constitute an international strategy of cooperation, enforcement, prevention, and punishment. Anti- money laundering laws along with

asset forfeiture laws target the heart of organized crime and replenish resources to fight crime. The United States has mutual assistance treaties for forfeiture assistance with twenty-two nations to include the Philippines, Cayman Islands, Panama, British Virgin Islands, Bahamas and Jamaica.<sup>73</sup>

In addition to money laundering and forfeiture laws, the international community established agreements for extradition, joint investigation, law enforcement cooperation, victim and witness protection, and intelligence sharing. In 2000, the United States and China signed their first mutual legal agreement to cooperate in the prevention and investigation of drug trafficking.<sup>74</sup> The United Nations Convention protocols and treaties and mutual agreements also obligate nations to maintain training and technical proficiency and allow for the sharing of expertise and crime records.

There are a number of international agencies to address the problem of organized crime. The International Criminal Police Organization (INTERPOL) has over 176 member nations with countries of East Asia forming a regional Association of Southeast Asian Nations Police Organization (ASEANPOL). INTERPOL is an avenue for member nations to share police intelligence but it is restricted from an operational role and forbidden to intervene or to take action that support political or military operations.<sup>75</sup> There are several United Nations organizations that focus on transnational crime. The Commission on Narcotic Drugs administers the United Nations Drug Control Program. The primary crime policy-making body is the United Nations Commission on Crime Prevention and Criminal Justice. The United Nations Commission on Human Rights administers the Convention for the Suppression of the Trafficking in Women and Children and related issues.<sup>76</sup>

The United States has taken an offensive strategy against international organized crime. In Presidential Decision Directive 42 (PDD42), signed in 1995, President Clinton declared international crime a threat to national security and ordered the Departments of Justice, State and Treasury, the Coast Guard, National Security Council, the intelligence community, and other federal agencies to cooperate and increase their efforts against international crime groups and money laundering. One key component of PDD42 is the imposition of sanctions blocking the assets of leaders and cohorts of Columbian narcotics traffickers in the United States and United States overseas banks. Since the directive was signed, the United States froze the assets of 359 businesses and individuals.<sup>77</sup>

The United States has an International Crime Control Strategy and each year updates its National Drug Control Strategy. The strategies are ineffective without effective execution and resources. For example, most of the United States funding for drug control programs is focused

on Latin America, with inadequate funding for East Asia and China. The only significant program is cultivation reduction in Laos, Pakistan, and Thailand.<sup>78</sup> The United States generally employs multilateral and interagency efforts to combat international organized crime, with one exception. Drug enforcement activities are conducted by numerous United States and foreign agencies with overlapping jurisdictions and their programs are purposely not consolidated. Although some efficiency may be realized, consolidation and streamlining of drug enforcement activities will reduce their effectiveness by providing a smaller number of targets for criminal infiltration and corruption. Drug enforcement efforts can be improved with a review of agency management and accountability and better interagency communication and planning.<sup>79</sup>

The United States strategy for organized crime, a transnational threat to national security, is described by one researcher as reactive, comprising the elements of prosecution, prevention and no concessions. That same researcher believes the United States should go on the offensive with an aggressive proactive strategy using the weapon of information operations.<sup>80</sup> There is a vital need for international intelligence sharing to support the United States, United Nations, and international strategies for organized crime. With the secretive organizations of the triads and yakuza in East Asia, no nation can be effective without mutual cooperation and partnership with East Asian law enforcement agencies and governments. Transnational organized crime is a global threat, and a coalition force and multilateral action are needed to effectively implement an offensive strategy and policy. In addition to law enforcement partnerships, technical assistance, and training, legal infrastructures need to be improved with the aim of eliminating safe havens for criminals. The United States and international policies of border control and immigration need to be reviewed and coordinated multilaterally. Finally, the United Nations and the United States policies and strategy should be developed with the full integration of law enforcement and national security planners.

## **CONCLUSION**

Transnational organized crime will continue to threaten the national security of the United States and all nations, to include the nations of East Asia. Nations that are most vulnerable include those with unstable governments and changing regional power relationships. The United States should focus an aggressive strategy on organized crime in East Asia and target the triad and yakuza organizations, in coalition with nations of the region.

To combat the threat effectively, resources need to be increased and efforts coordinated and combined within the United States and the international community. The leadership of the East Asian nations must be convinced to be equal partners and eventually take the lead for

efforts in the region. This should be another goal of the United States national policy for the region. Current programs and initiatives of the United Nations need to be better resourced and a campaign launched to increase member signatures to the protocols on organized crime. Data collection and analysis should be an ongoing activity of the United Nations to continue to identify the problems, rather than symptoms, and to propose solutions.

The United States interagency process should be examined and procedures enacted to improve coordination and standardize intelligence sharing. The Directors of the Central Intelligence Agency and Federal Bureau of Investigation should consider establishment of a permanent intelligence organization focused on transnational crime organization such as the triads and yakuza. This mission may be best executed by the same organization with responsibility for intelligence gathering on international terrorism. Mutual assistance agreements should be enacted with East Asian governments to share training and technology to assist their intelligence and law enforcement agencies to improve their collection efforts. Periodic meetings between intelligence counterparts on organized crime should be routine and these meetings may be most effective when combined with international terrorism forums.

The international legal infrastructure should continue as an instrument to combat transnational crime. The United Nations must continue to take the lead to standardize definitions and elements of crime and initiate new international laws to improve crime prevention and prosecution. The economic instrument of attacking transnational criminal organizations has proven to be effective but the East Asian nations need to wield this weapon in their region. There is evidence many of the governments and officials in the region are corrupted by criminal organizations so the international community will need to apply pressure on national governments. This will also require increased government regulation and oversight of legitimate business where criminal organizations have effectively covered their activities and laundered their money for years.

Because there is evidence of corruption of law enforcement officials in East Asia, the governments should strive to improve the professionalism of their forces and significantly increase their resources. The United Nations should take the lead on programs for international police training and target those nations with the weakest and most corrupt organizations. The United States should offer training and technology for law enforcement agencies as a diplomatic means. The law enforcement leaders of the United States and the East Asian nations must be included in the formulation of national security strategy and policies. The United States, as part of the military exchange programs in the region, should advise their counterparts on the limited use of the military to assist law enforcement.

A global threat can only be countered with global action. Robert H. Kupperman, from the Center for Strategic and International Studies in Washington, D.C. describes the threat:

As devastating as terrorism can be, it is dwarfed by global organized crime and its implications. The world changes in ever more dangerous ways. Counterfeit tender used to buy drugs can also be used to buy plutonium. Weapons of mass destruction abound – chemical, radiological, nuclear and biological. Man-made diseases can result from molecular tinkering, producing organisms that could ravage the earth. As a result, the tiniest of unstable governments or parliamentary groups could extort the largest of countries.<sup>81</sup>

Senator John Kerry believes that to effectively counter the threat of transnational crime and emerge as the winner, we need what our “enemy,” has – an international network of partners and adequate resources.<sup>82</sup> This researcher believes that we also need the right kind of leaders to put the coalition and the money to work. Those leaders should be the United States and the United Nations. Organized crime is no longer a domestic, legal issue. It is an international threat to every sovereign nation’s national security. The threat will gain strength in the future unless the international community identifies it and targets it.

WORD COUNT= 8128



## ENDNOTES

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<sup>4</sup> United Nations Document, "Summary of the United Nations Convention against Transnational Organized Crime and Protocols Thereto," 2000: available from <<http://odccp.org/palermo/convmain.html>>; Internet: accessed 20 January 2002.

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<sup>7</sup> Institute for National Strategic Studies, Strategic Assessment 1999 – Priorities for a Turbulent World, (Washington, D.C.: Fort Lesley J. McNair, 1999), 134-135.

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<sup>10</sup> Regli, 31.

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